

JOURNAL OF THE HOUSE.

Tuesday, July 17, 2001.

Met according to adjournment, at eleven o'clock A.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Holy Spirit of God, we pray to You for guidance and direction as we carry out our legislative and personal responsibilities and address the political and other challenges of this and every day. Your assistance and counsel give us the courage to do what is morally right, to seek and speak the truth, to make reasoned (maybe unpopular) decisions and to listen politely to the insights and experiences of others. Let our hearts and minds be filled with hope and confidence in looking towards and planning for the future of our communities and well-being of the people. Teach us to recognize our rights, civil, human and religious, and to accept our personal responsibilities, so that our society will be stable, compassionate and mindful of others.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Garry of Dracut.

A statement of Mr. DiMasi of Boston concerning Miss Garry of Dracut was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Garry of Dracut, will not be present in the House Chamber for today's sitting due to medical reasons. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement of Representative Murphy of Burlington.

A statement of Mr. Murphy of Burlington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present for a portion of today's sitting due to official business outside of the Commonwealth. Any roll calls that I may have missed today is due entirely to the reason stated.

Statement Concerning Representative Parente of Milford.

A statement of Mr. DiMasi of Boston concerning Mrs. Parente of Milford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Parente of Milford, will not be present in the House Chamber for today's sitting due to a death in her family. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Walsh of Boston.

A statement of Mr. DiMasi of Boston concerning Mr. Walsh of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Walsh of Boston, will not be present in the House Chamber for today's sitting due to a previously scheduled commitment outside of the Commonwealth. Any roll calls that he may miss today will be due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives DeLeo of Winthrop, Reinstein of Revere and Petrucci of Boston) congratulating Chief Daniel J. Doherty on the occasion of his retirement from the Revere Fire Department; and

Resolutions (filed by Mr. Flynn of Bridgewater) welcoming the Delta Kappa Gamma Society International to the Commonwealth for their Northeast Regional Conference;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. George of Yarmouth, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley that the Registrar of Motor Vehicles be authorized to issue a pharmacy assistance registration plate.

By Mr. Finneran of Boston, petition (subject to Joint Rule 12) of Thomas M. Finneran relative to the stabilization fund of the Commonwealth.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

The Senate Bill authorizing the establishment of a library district in the towns of Mendon and Upton (Senate, No. 1833, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments with a further amendment in section 2, in lines 5 to 15, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "Within 30 days after the acceptance of this act, each such town shall appoint 3 members of the district board of trustees."

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the further amendment was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Doris Matte for legislation to require the installation of adequate lighting and surveillance cameras in convenience store parking areas; and

Petition (accompanied by bill) of Philip Travis relative to unemployment benefits;

Severally to the committee on Commerce and Labor.

Petition (accompanied by bill) of Lisa J. Steele relative to the penalty for carrying dangerous weapons; and

Petition (accompanied by bill) of Philip Travis relative to the crime of driving to endanger;

Severally to the committee on Criminal Justice.

Petition (accompanied by bill) of Brian S. Dempsey and James P. Jajuga relative to expulsion of students in possession of guns or knives on school premises;

Petition (accompanied by bill) of James R. Miceli relative to the continuing education of public educators at post secondary institutions;

Petition (accompanied by bill) of Charles Nickerson relative to mandatory writing proficiency examinations at state and community colleges and the University of Massachusetts; and

Petition (accompanied by bill) of Kathi-Anne Reinstein relative to regulating the use of physical restraint on students in the public schools;

Severally to the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Garrett J. Bradley and Robert L. Hedlund relative to charges assessed by water companies. To the committee on Government Regulations.

Petition (accompanied by bill) of Emile J. Goguen relative to regulating the dispensing of prescription drugs; and

Petition (accompanied by bill) of George Rogers relative to the admission and discharge rights of surgical patients in hospitals;

Severally to the committee on Health Care.

Petition (accompanied by bill) of George Rogers relative to the abandonment of a child under

ten years of age in a motor vehicle. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Paul E. Caron relative to the re-inspection of motor vehicles by independent auto damage appraisers;

Petition (accompanied by bill) of Bernard Kansky for legislation to prohibit termination of certain insurance benefits on the basis of a diagnosis;

Petition (accompanied by bill) of Alvin J. Sims relative to the licensing and regulation of insurance advisers; and

Petition (accompanied by bill) of Kathi-Anne Reinstein, Robert A. DeLeo and another relative to motor vehicle insurance surcharges;

Severally to the committee on Insurance.

Petition (accompanied by bill) of Leevonn Cloud for adoption of resolutions by the General Court requesting the Governor (with the consent of the Council) to remove Linda E. Giles from the office of Justice of the Superior Court;

Petition (accompanied by bill) of Arthur J. Broadhurst relative to payments to retired persons for juror service;

Petition (accompanied by bill) of John A. Hart, Jr., relative to the accessing of private property by persons engaged in making deliveries;

Petition (accompanied by bill) of Michael F. Kane relative to trustees of the Kuzeja Real Estate Trust capital asset-land transfer;

Petition (accompanied by bill) of Peter J. Larkin and Daniel E. Bosley for legislation to authorize clerks and assistant clerks of the Juvenile Court Department to hold hearings and make certain determinations relative to bail;

Petition (accompanied by bill) of Anne Errico for legislation to prohibit the inclusion of dismissed or discontinued criminal proceedings in criminal offender record information; and

Petition (accompanied by bill) of Laurence Brown and another relative to abuse prevention orders;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of James R. Miceli relative to the use of crossbows by certain handicapped persons for hunting purposes; and

Petition (accompanied by bill) of Philip Travis relative to the disposal of organic waste;

Severally to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Harold Leonard Evans relative to restricting the operation of

buses on certain multi-lane highways;

Petition (accompanied by bill) of Paul K. Frost, Viriato Manuel deMacedo, Elizabeth Poirier and Carol C. Cleven relative to establishing a grant program within the Division of Fire Prevention for equipping fire hydrants with suitable markers; and

Petition (accompanied by bill) of Brian Knuuttila, Robert L. Hedlund and another relative to vehicles used for the transportation of logs;

Severally to the committee on Public Safety.

Petition (accompanied by bill) of Daniel E. Bosley relative to the timely issuance of tax compliance certificates to executors of estates; and

Petition (accompanied by bill) of Garrett J. Bradley and Robert L. Hedlund that cities and towns be authorized to establish and maintain a fund to be known as the open space, park, recreational and housing fund;

Severally to the committee on Taxation.

Petition (accompanied by bill) of David M. Nangle for legislation to designate a certain bridge in the city of Lowell as the Martin T. "Buster" Meehan Bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Resolve extending the time within which the special commission to investigate and report on matters affecting the practice of nursing and the delivery of health care services by nurses (House, No. 4119, changed) ought to pass.

Under suspension of the rules, on motion of Mrs. Canavan of Brockton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Resolve creating a special commission to investigate and study the continued viability of a certain commuter rail station on the Lowell Commuter Rail Line of the Massachusetts Bay Transportation Authority (House, No. 1709, changed); and

Of the Resolve providing for the creation of a special commission relative to the impact on the Commonwealth of Massachusetts of the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA) (House, No. 2119);

And recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain House documents concerning education reform and other related matters (House, No. 4315) reported, in part, asking to be discharged from further consideration

Of so much of the recommendations of the Department of the State Treasurer (House, No. 209) as relates to benefiting higher education savings and investment programs in the Commonwealth (accompanied by bill, House, No. 213);

Of the petition (accompanied by bill, House, No. 243) of Philip Travis, other members of the House and others relative to authorizing self-monitoring and treatment of students with diabetes;

Of the petition (accompanied by bill, House, No. 783) of the Mass. Association of School Committees, Lida E. Harkins, Robert A. Antonioni, Francis L. Marini, Mary S. Rogeness and Ruth W. Provost relative to orientation programs for members of school committees;

Of the petition (accompanied by bill, House, No. 794) of Angelo M. Scaccia, Stephen F. Lynch and another relative to establishing codes of conduct for players, coaches, officials and parents in athletic programs;

Of the petition (accompanied by bill, House, No. 968) of James H. Fagan that parents or legal guardians be held responsible for the school attendance of children in their care;

Of the petition (accompanied by bill, House, No. 1359) of Louis L. Kafka, William C. Galvin and Ronald Mariano for legislation to further regulate interscholastic athletics in the public schools;

Of the petition (accompanied by bill, House, No. 1360) of Louis L. Kafka, other members of the General Court and another that certain elementary and high school students be granted the option relative to the dissecting of dead animals;

Of the petition (accompanied by bill, House, No. 1548) of Francis L. Marini, Bradley H. Jones, Jr., Brian M. Cresta, George N. Peterson, Jr., Elizabeth Poirier and Cele Hahn relative to reducing truancy in school districts with low attendance rates;

Of the petition (accompanied by bill, House, No. 1550) of Francis L. Marini, Bradley H. Jones, Jr., Brian M. Cresta, Paul K. Frost, George N. Peterson, Jr., and Cele Hahn relative to discouraging extended absences of students in the public schools;

Of the petition (accompanied by bill, House, No. 1570) of Angelo M. Scaccia and another relative to contracts for school principals;

Of the petition (accompanied by bill, House, No. 1734) of Barry R. Finegold relative to the

negotiation of contracts of school principals;

Of the petition (accompanied by bill, House, No. 2872) of Frank M. Hynes for legislation to regulate the performing of dissections in schools in the Commonwealth;

Of the petition (accompanied by bill, House, No. 3072) of Paul C. Demakis, Stephen F. Lynch, John A. Hart, Jr., Bradford Hill and Eugene L. O'Flaherty that the Department of Public Health and the Department of Education be directed to promulgate regulations relative to the use of asthma inhalers by children on school property;

Of the petition (accompanied by bill, House, No. 3081) of John A. Stefanini and other members of the General Court for legislation to authorize the Department of Education to establish a grant program for the acquisition of computers by local school districts;

Of the petition (accompanied by bill, House, No. 3269) of Barry R. Finegold relative to the terms and conditions of school principals' contracts;

Of the petition (accompanied by bill, House, No. 3510) of Lida E. Harkins, Kathleen M. Teahan, Anthony J. Verga, Emile J. Goguen, Ruth B. Balser and Mark J. Carron relative to school-based community service opportunities;

Of the petition (accompanied by bill, House, No. 3521) of Eric Turkington and Robert A. O'Leary relative to the budget of the Up-Island Regional School District of Martha's Vineyard;

Of the message from His Excellency the Governor recommending legislation relative to encouraging school attendance (House, No. 4059); and

Of the message from His Excellency the Governor recommending legislation relative to improving truancy enforcement (House, No. 4061);

And recommending that the same severally be recommitted to the committee on Education, Arts and Humanities.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve providing for the creation of a special commission relative to a new seal and new motto for the Commonwealth (House, No. 2260) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, Nos. 773, 774 and 2846, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning family leave (House, No. 4354).

By the same member, for the same committee, on House, Nos. 777, 1538, 2472, 2649 and 2854, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning workers' compensation (House,

No. 4355).

By the same member, for the same committee, on House, Nos. 954, 1911, 2110, 2118, 2470, 3042 and 3243, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning discrimination (House, No. 4356).

By the same member, for the same committee, on House, No. 1163, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of a certain House document concerning the protection of the privacy of social security numbers (House, No. 4357) .

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, on a petition, a Bill making of the deposit of public monies uniform (House, No. 2827).

By the same member, for the same committee, on House, No. 1147, a Bill relative to powers of state-chartered banks (House, No. 4358).

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill relative to securities (House, No. 955).

By the same member, for the same committee, on a petition, a Bill prohibiting the use of certain latex products by persons who handle food (House, No. 1152).

By the same member, for the same committee, on a petition, a Bill relative to the medical insurance of certain employees of the Boston Edison Company (House, No. 2471).

By the same member, for the same committee, on a petition, a Bill relative to regional tourism councils (House, No. 2833).

By the same member, for the same committee, on a petition, a Bill to enhance the operation of the Workforce Training Fund (House, No. 2835).

By the same member, for the same committee, on a petition, a Bill relative to the “school-to-work” program (House, No. 2852) .

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill

relative to posting employment opportunities (House, No. 1153).

By Mr. Atsalis of Barnstable, for the same committee, on House, No. 2647, a Bill to ban the use of methyl tertiary butyl ether (House, No. 4359).

Severally read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a petition, a Bill relative to infectious disease control (House, No. 4158).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill relative to the library records of minors (House, No. 1122).

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Port Authority Board (House, No. 1302).

By the same member, for the same committee, on House, Nos. 1504 and 3201, a Bill further regulating the open meeting law (House, No. 1504).

By the same member, for the same committee, on House, Nos. 1682 and 2254, a Bill concerning conflict of interest (House, No. 1682).

By the same member, for the same committee, on a petition, a Bill relative to the open meeting law (House, No. 1689).

By the same member, for the same committee, on a petition, a Bill to require certification of the authority of public officials to bind cities and towns by contract (House, No. 2429).

By the same member, for the same committee, on a petition, a Bill placing certain providers of services to the Commonwealth under the ethics law (House, No. 2987).

By the same member, for the same committee, on a petition, a Bill relative to private non-profit agencies (House, No. 2988).

By the same member, for the same committee, on a petition, a Bill relative to state contracts with private provider agencies (House, No. 2989).

By the same member, for the same committee, on a petition, a Bill relative to including private non-profit corporations which receive public funds under the provisions of the open meeting and open records laws (House, No. 2990).

By the same member, for the same committee, on a petition, a Bill relative to library disclosure (House, No. 3194).

By the same member, for the same committee, on a petition, a Bill relative to the Nantucket Historic District Commission (House, No. 3634).

By the same member, for the same committee, on a petition, a Bill relative to the open meeting

law (House, No. 3827).

By the same member, for the same committee, on a petition, a Bill designating the Cape Playhouse as the official summer theatre of the Commonwealth (House, No. 4159).

By the same member, for the same committee, on a petition, a Bill relative to the timber bulkhead in Oak Bluffs Harbor (House, No. 4162).

By the same member, for the same committee, on House, No. 3625, a Bill relative to the town of Medfield and the Medfield Shelter 2000, Inc. (House, No. 4360) [Local Approval Received].

By the same member, for the same committee, on House, No. 3635, a Bill authorizing the town of Edgartown to convey a certain parcel of land (House, No. 4361) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

House bills

Relative to undistributed ballots (House, No. 994);

Designating the tourist information center on state highway Route 2 in the town of Lancaster as the Johnny Appleseed visitor center (House, No. 1136);

Relative to assistant town clerks in certain towns (House, No. 3151);

Authorizing the town of Natick to grant licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3923);

Authorizing the town of Sherborn to convey certain forest land (House, No. 4191);

Validating the results of the 2001 annual town election held in the town of Dennis (printed in House, No. 4229); and

Validating the actions taken at the 2001 annual town meeting of the town of Eastham (printed in House, No. 4230);

Severally were read a second time; and they were ordered to a third reading.

House reports

Of the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 3048) of Francis L. Marini and other members of the House relative to the development of a campaign to encourage entry into the technology workforce;

Of the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 1629) of George Rogers and John F. Quinn relative to the

establishment of rules and regulations by the Department of Environmental Protection for non-public water systems;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1644) of Francis L. Marini and other members of the House relative to establishing reasonable fees for haircuts provided to inmates of correctional facilities;

Of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 1291) of Bradford Hill for legislation to include certain forestry specialists in Group 2 of the contributory retirement system;

Of the committee on Taxation, ought NOT to pass, on petitions for legislation relative to exempting certain products and services from the sales tax, real estate tax abatements, and abatement of taxes on behalf of certain taxpayers [based on petitions of Abigail Brezinski, accompanied by bill, House, No. 363; Philip Travis, accompanied by bill, House, No. 566; Brian S. Dempsey, accompanied by bill, House, No. 937; Arthur J. Broadhurst and others, accompanied by bill, House, No. 2080; and Lida E. Harkins, accompanied by bill, House, No. 3645];

Of the same committee, ought NOT to pass, on petitions for legislation relative to providing for a local option income tax [based on petitions of Leonard H. Golder, accompanied by bill, House, No. 567; and Geoffrey D. Hall, accompanied by resolve, House, No. 1692];

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1708) of George Rogers and Jose L. Santiago for legislation to further regulate the local aid distribution formula;

Of the same committee, ought NOT to pass, on petitions for legislation relative to the taxation of certain products sold in vending machines [based on petitions of Cele Hahn and others, accompanied by bills, House, Nos. 2266 and 2267; and Paul E. Caron, accompanied by bill, House, No. 3831];

Of the same committee, ought NOT to pass, on petitions for legislation relative to reducing the tax on certain capital gains, and making the investment tax credit permanent [based on petitions of Ronald Mariano, accompanied by bill, House, No. 2441; and Peter J. Larkin and another, accompanied by bill, House, No. 3457];

Of the same committee, ought NOT to pass, on petitions for legislation relative to the motor vehicle excise tax [based on petitions of Steven P. LeDuc accompanied by bills, House, Nos. 2814 and 3213]; and

Of the same committee, ought NOT to pass, on petitions for legislation relative to establishing a school building renovation and construction fund, and defining taxable income under the income tax laws [based on petitions of J. James Marzilli, Jr., and others, accompanied by bill, House, No. 3653; and the Massachusetts AFL-CIO Council and another, accompanied by bill, House, No. 3992];

Severally were accepted.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 548) of Carol C. Cleven, other members of the General Court and another relative to the procedures for the collection of overdue taxes, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mrs. Cleven of Chelmsford.

The House Bill further regulating the use of non-public personal information by insurance companies (House, No. 2356) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Straus of Mattapoisett, until Tuesday, July 31, 2001.

The House report of the committee on Criminal Justice, ought NOT to pass, on petitions for legislation relative to providing for mandatory minimum sentences for the illegal sale of drugs, and the establishment of drug free zones [based on petitions of John P. Fresolo and others, accompanied by bill, House, No. 965; Kevin W. Fitzgerald and another, accompanied by bills, House, Nos. 2122 and 2123; Vincent A. Pedone, accompanied by bill, House, No. 2126; Carol A. Donovan and others, accompanied by bill, House, No. 2288; J. Michael Ruane, accompanied by bill, House, No. 2667; and Robert M. Koczera, accompanied by bill, House, No. 2858], was considered.

Pending the question on acceptance of the report, the subject- matter was recommitted, on motion of Mr. Tobin of Quincy.

At twenty-seven minutes after eleven o'clock A.M., on motion of Mrs. Cleven of Chelmsford, the House recessed until one o'clock P.M.; and at eleven minutes after one o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

The House Bill relative to the right of incarcerated felons to vote (House, No. 2883), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

House reports

Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 1592) of Francis L. Marini and other members of the House for legislation to regulate the control of certain contagious diseases; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1711) of Francis L. Marini and other members of the House relative to reducing traffic congestion by further regulating the operation of certain commercial vehicles;

Severally were considered.

Pending the question, in each instance, on acceptance of the report, further consideration

thereof was postponed, on motions of Mr. Marini of Hanson, until after disposition of the remaining matters in the Orders of the Day.

The House report of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1712) of Francis L. Marini and other members of the House that the Commissioner of Highways be directed to study the effects of restricted access to certain highways during peak travel hours, was accepted.

The House Bill relative to fire insurance (House, No. 2348) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Marini of Hanson, until after disposition of the remaining matters in the Orders of the Day.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 1574) of George Rogers relative to absentee voting by physically disabled voters, was considered.

Pending the question on acceptance of the report, the petition was referred to the committee on Ways and Means, on motion of Mr. Wagner of Chicopee.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 1937) of Francis L. Marini, Bradley H. Jones, Jr., Mary S. Rogeness, Paul K. Frost, Paul J. P. Loscocco and George N. Peterson, Jr., relative to voting procedures of presidential electors, was considered.

Pending the question on acceptance of the report, Mr. Jones of North Reading moved that it be amended by substitution of the Bill relative to the voting procedures of presidential electors (House, No. 1937), which was read.

Pending the question on adoption of the amendment, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

[See Yea and Nay No. 97 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 29 members voted in the affirmative and 117 in the negative.

[See Yea and Nay No. 98 in Supplement.]

Therefore the amendment was rejected; and the report was accepted.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1648) of Francis L. Marini and other members of the House for legislation to require operators of motor vehicles to maintain a safe distance when operating behind a school bus, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Marini of Hanson, until after disposition of the remaining matters in the Orders of the Day.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1652) of George Rogers and Mary S. Rogeness for legislation to eliminate the head injury fund surcharge on certain motor vehicle violations, was considered.

Pending the question on acceptance of the report, Ms. Rogeness of Longmeadow moved that it be amended by substitution of the Bill eliminating the head injury fund surcharge on certain motor vehicle violations (House, No. 1652), which was read.

After remarks on the question on adoption of the amendment, Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 95 members were in attendance.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Rogeness; and on the roll call 31 members voted in the affirmative and 114 in the negative.

[See Yea and Nay No. 99 in Supplement.]

Therefore the amendment was rejected; and the report was accepted.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 4167) of George Rogers (with the approval of the mayor and city council) relative to animal control vehicles in the city of New Bedford, was accepted.

The House Bill relative to the illegal sale of alcohol from a dwelling (House, No. 807) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Criminal Justice, on motion of Mr. Bosley of North Adams. Sent to the Senate for concurrence.

The House Bill relative to activities at election polling places (House, No. 2501) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Wagner of Chicopee, until after disposition of the remaining matters in the Orders of the Day.

The House Bill authorizing the conservation commission of the town of Dennis to establish fees for the employment of consultants (House, No. 4188) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Kujawski of Webster, until the next sitting.

The House Bill relative to child passenger safety (House, No. 4199) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Toomey of Cambridge, until the next sitting.

House reports

Of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 560) of Ellen Story relative to the certification of property tax assessments; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1701) of Francis L. Marini and other members of the House for legislation to provide tax incentives to corporations donating resources to schools;

Severally were accepted.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1702) of Francis L. Marini and other members of the House for legislation to provide a one-time tax credit for joining the organ donor program or for becoming certified to perform cardiopulmonary resuscitation, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Marini of Hanson, until the next sitting.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2093) of Francis L. Marini, other members of the House and another relative to including a check-off box on income tax forms allowing individual taxpayers the option of paying income taxes at a rate of 5.85 percent, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Casey of Winchester.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2268) of Patricia D. Jehlen and other members of the General Court relative to the establishment of an alcohol health protection fund, was accepted.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2808) of Frank M. Hynes for legislation to provide a tax credit for the costs of subsurface septic systems, was considered.

Pending the question on acceptance of the report, the petition was referred to the committee on

Ways and Means, on motion of Mr. Hynes of Marshfield.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3832) of Paul K. Frost for legislation to provide for a tax deduction for certain home heating costs, was considered.

Pending the question on acceptance of the report, Mr. Frost of Auburn moved that it be amended by substitution of the Bill providing a tax deduction for certain heating costs (House, No. 3832), which was read.

After debate the amendment was rejected; and the report was accepted.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3890) of Shirley Gomes that income received from the United Nations Joint Staff Pension be exempted from the state income tax, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mrs. Gomes of Harwich.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 4106) on a message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to promoting fiscal responsibility in the Commonwealth, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Marini of Hanson, until the next sitting.

House bills

Providing for behavioral science representation on the Parole Board (House, No. 2574, changed); and

Relative to convictions of motor vehicle violations and license suspensions and revocations in other states or countries (House, No. 2773, changed);

Severally were read a second time; and they were ordered to a third reading.

The House Bill increasing the number of days to appeal the decisions of a zoning variance permitting body in a municipality from twenty (20) to forty (40) (House, No. 3128) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Kujawski of Webster, until the next sitting.

The House Bill relative to municipal bonding for underground utilities (House, No. 3576) was read a second time; and it was ordered to a third reading.

The House Bill promoting energy efficiency and conservation (House, No. 4006) was read a

second time.

The amendment previously recommended by the committee on Rules,— that the bill be amended in section 2, in line 4, by striking out the following: “three mils (\$0.003)” and inserting in place thereof the following: “two and one-half mils (\$0.0025)”,— was adopted.

The bill (House, No. 4006, amended) then was ordered to a third reading.

The House report of the committee on Taxation, ought NOT to pass, on petitions for legislation relative to the taxation of certain corporations [based on petitions of George N. Peterson, Jr., accompanied by bill, House, No. 379; Paul K. Frost and another, accompanied by bill, House, No. 1505; and Thomas J. O’Brien and others, accompanied by bill, House, No. 3221], was considered.

Pending the question on acceptance of the report, Mr. Peterson of Grafton moved that it be amended by substitution of the Bill relative to the taxation of certain corporations (House, No. 379, changed in line 2 by striking out the year “1994” and inserting in place thereof the year “2000” and in line 3 by striking out the figures “40” and inserting in place thereof the figures “43”), which was read.

After debate on the question on adoption of the amendment, Mr. Frost of Auburn asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

[See Yea and Nay No. 100 in Supplement.]

Therefore a quorum was present.

After further debate on the question on adoption of the amendment (Mr. DeLeo of Winthrop being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. O’Brien of Kingston; and on the roll call 55 members voted in the affirmative and 88 in the negative.

[See Yea and Nay No. 101 in Supplement.]

[Mr. Correia of Fall River answered “Present” in response to his name.]

Therefore the amendment was rejected; and the report was accepted.

The House report of the committee on Taxation, ought NOT to pass, on petitions for legislation relative to exempting the sale of certain computers from the sales tax, and providing for a period of time each year for a “sales tax holiday” [based on petitions of Gale D. Candaras and others, accompanied by bill, House, No. 1307; Francis L. Marini and another, accompanied by bill, House, No. 1516; and Thomas M. Menino and others, accompanied by bill, House, No.

3467], was accepted.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at a quarter before five o'clock P.M., on motion of Mr. Bosley of North Adams (Mr. DeLeo of Winthrop being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

